

\*E-Filed 1/5/12\*

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ATKINS, PATRICK WOOD, III, and UWE-ERNST  
BUFE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES  
LITIGATION

Case No. CV 09-5473-RS  
(Consolidated)

**CLASS ACTION**

**STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING SCHEDULING**

1 WHEREAS, on December 19, 2011, the Court granted in part and denied in part  
2 Defendants SunPower Corporation, Thomas H. Werner, Dennis V. Arriola, Emmanuel T.  
3 Hernandez, T.J. Rodgers, W. Steve Albrecht, Betsy S. Atkins, Patrick Wood, III, and Uwe-Ernst  
4 Bufe's (collectively, "Defendants") motion to dismiss the First Amended Consolidated Class  
5 Action Complaint (the "Complaint") of Lead Plaintiffs Arkansas Teacher Retirement System,  
6 Första-AP Fonden, and Danske Investment Management A/S (ECF No. 178);

7 WHEREAS, the deadline for Defendants to answer the Complaint is January 9, 2012;

8 WHEREAS, the parties have agreed that Defendants shall have up to and including  
9 January 27, 2012, to answer the Complaint;

10 WHEREAS, by the Clerk's Notice entered on October 19, 2011 (ECF No. 177), a case  
11 management conference in the above-captioned action is scheduled for January 12, 2012;

12 WHEREAS, the parties have agreed to request a continuance of the January 12, 2012  
13 case management conference until February 16, 2012, or such later date that is convenient for  
14 the Court;

15 WHEREAS, if the Court grants the parties' requested continuance, counsel for the  
16 parties have agreed to hold their Rule 26(f) conference on February 3, 2012;

17 WHEREAS, if the Court grants the parties' requested continuance, the parties have  
18 agreed pursuant to Fed. R. Civ. P. 26(d)(1) that the parties (i) may serve requests for the  
19 production of documents pursuant to Rules 34 and 45 beginning January 16, 2012, (ii) will not  
20 object to the requests as premature on the grounds that the requests were served prior to the  
21 parties' Rule 26(f) conference, and (iii) do not waive their rights to object to the requests on any  
22 other grounds and reserve the right to request an extension of time to respond to the requests;  
23 and

24 WHEREAS, it would conserve judicial and party resources and promote efficiency and  
25 economy to hold the case management conference in this action after Defendants' answer is  
26 filed, Lead Plaintiffs have reviewed the answer, and the parties have adequately addressed  
27 scheduling, discovery, and the additional case management topics of Federal Rule of Civil  
28 Procedure 26(f), Local Rule 16-9, and the Court's Standing Order Re: Initial Case Management.

1 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as  
 2 follows:

3 (1) Defendants shall have up to and including January 27, 2012, to answer or otherwise  
 4 respond to the Complaint;

5 (2) The Case Management Conference currently scheduled for January 12, 2012, shall be  
 6 continued to February 16, 2012, or such later date as is convenient for the Court;

7 (3) The parties shall hold their Rule 26(f) conference on or before February 3, 2012;

8 (4) The parties (i) may serve requests for the production of documents pursuant to Rules  
 9 34 and 45 beginning January 16, 2012, (ii) will not object to the requests as premature on the  
 10 grounds that the requests were served prior to the parties' Rule 26(f) conference, and (iii) do not  
 11 waive their rights to object to the requests on any other grounds and reserve the right to request an  
 12 extension of time to respond to the requests; and

13 (5) In accordance with paragraph 7 of the Court's Standing Order Re: Initial Case  
 14 Management, the parties shall file a Joint Case Management Conference Statement and Proposed  
 15 Order seven (7) days prior to the Case Management Conference.

16  
 17 Dated: January 5, 2012

Respectfully submitted,

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 22 By: /s/ Judson Lobdell  
 23 Judson Lobdell

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 26 *John. D. Rodman, T.J. Rodgers, W. Steve Albrecht, Betsy*  
 27 *S. Atkins, Patrick Wood, III, and Uwe-Ernst Bufo*  
 28

1 Dated: January 5, 2012

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By: /s/ Laurence D. King  
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Management A/S*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2  
3 Dated: January 5, 2012



4 HONORABLE RICHARD SEEBORG  
5 UNITED STATES DISTRICT JUDGE  
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